

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEMITRIUS ALSTON,

Defendant.

8:23-CR-253

ORDER

This matter is before the Court on the motion to withdraw ([filing 33](#)) filed by the defendant's trial counsel. The motion will be denied, because it request must be filed with the U.S. Court of Appeals for the Eighth Circuit.

Specifically, Rule 27B(a) of the Eighth Circuit's Local Rules provides:

Retained counsel in criminal cases, and counsel appointed to represent a party pursuant to the provisions of the Criminal Justice Act, [18 U.S.C. § 3006A](#), [Federal Rule of Criminal Procedure 44](#), or the inherent power of a federal court, shall file a notice of appeal upon their client's request. Defendant's trial counsel, whether retained or appointed, shall represent the defendant on appeal, *unless the Court of Appeals* grants permission to withdraw.

[8th Cir. R. 27B\(a\)](#) (emphasis supplied). Therefore, trial counsel's motion must be directed to the Court of Appeals in compliance with [8th Cir. R. 27B\(a\)](#).

IT IS ORDERED that the motion to withdraw ([filing 33](#)) is denied.

Dated this 29th day of August, 2024.

BY THE COURT:



John M. Gerrard
Senior United States District Judge